

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:19-CR-473-D-1

UNITED STATES OF AMERICA :  
:  
v. :  
:  
JOEY EDUARDO AYALA :  
:

**AMENDED PRELIMINARY ORDER OF FORFEITURE**

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement by the defendant on March 11, 2020, and the defendant's guilty plea to offenses in violation of 21 U.S.C. § 841(a)(1), and 18 U.S.C. § 924(c)(1)(A), the Court finds that the following property is hereby forfeitable pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d)(1), to wit:

- (a) \$6,484.00 in United States Currency;
- (b) One .40 caliber Smith & Wesson firearm, bearing s/n FXR7021, and any and all ammunition; and
- (c) One Hi-Point 9mm Luger firearm, bearing s/n P9776038, and any and all ammunition.

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement, all of the defendant's interests in the identified personal property listed herein are herewith forfeited, subject to the provisions of 21 U.S.C. § 853(n).

2. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order of its intent to dispose of the property in such a manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and any additional facts supporting the petitioner's claim and the relief sought.

3. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n)(6).

4. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is DIRECTED to incorporate a reference to this Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order shall be final as to the defendant upon entry.

SO ORDERED, this 30 day of July, 2020.

  
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JAMES C. DEVER III  
United States District Judge